



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/870,867	05/30/2001	Richard J. Qian	10559/476001/P11155	8975

Kevin Reif
c/o BLAKELY, SOKOLOFF, TAYLOR, & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

7590 04/27/2007

EXAMINER

ABEL JALIL, NEVEEN

ART UNIT	PAPER NUMBER
----------	--------------

2165

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/870,867

Applicant(s)

QIAN, RICHARD J.

Examiner

Neveen Abel-Jalil

Art Unit

2165

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on March 27, 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,4,5,7-11,14,15,17-21,24,25 and 27-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,4,5,7-11,14,15,17-21,24,25 and 27-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Art Unit: 2165

DETAILED ACTION

Remarks

1. The Amendment filed on March 27, 2007 has been received and entered. Claims 1, 4, 5, 7-11, 14, 15, 17-21, 24, 25, and 27-33 are pending.
2. Applicant's response has overcome the rejections under 35 USC 112, second paragraph, and previous claim objections.

Claim Objections

3. Claims 1, 11, and 21 are objected to because of the following informalities:

Claims 1, 11, and 21, line 18, recite "and filtering the content to remove unwanted content..., the user tracking information" which is improper sentence construction in the English language. There appears to be a missing transition (i.e. wherein) between the two sentences and a comma is not sufficient to make proper sense of the sentence.

Claims 1, 11, and 21, lines 13, 14, 15, and 16, all recite "the content". There is insufficient antecedent basis for this limitation in the claim. Since it is unclear whether the reference is meant to be for "integrated content" or just simply "content" prior to integration. The Examiner believes the reference is meant for the former.

Claim Rejections - 35 USC § 103

Art Unit: 2165

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 4, 5, 7-11, 14, 15, 17-21, 24, 25, and 27-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Coden et al. (U.S. Patent No. 6,816,858 B1) in view of Grooters (U.S. Patent No. 6,684,399 B1).

As to claims 1, 11, and 21, Coden et al. discloses a method, a system, an article of manufacture comprising machine readable medium having stored thereon instruction which, when executed, cause a machine to:

receiving a search criteria for content from a client, wherein the search criteria is based on user preference of a user (See Coden et al. column 16, lines 43-54, and Coden et al. column 18, lines 33-35);

a server coupled with the client, the server to (See Coden et al. column 18, lines 33-35) receive the search criteria

search media sources for the content and metadata according to the search criteria, the metadata is associated with the content (See Coden et al. column 4, lines 25-39, and see Coden et al. column 5, lines 11-24, and Coden et al. column 13, lines 29-37),

receiving results of the searching of the media sources (See Coden et al. column 5, lines 1-10);

Art Unit: 2165

parsing the metadata in real-time based on the results (See Coden et al. column 5, lines 1-25, wherein “collateral” is read on “metadata”),

seamlessly integrating the content and the parsed metadata into integrated content according to the search criteria, wherein the integrated content is received by the client without having the client to switch between media sources, wherein the integrating of the content and the parsed metadata includes *one or more* of arranging the content based on the user preferences, prioritizing the content based on the user preferences, and filtering of the content to remove unwanted content of the content based on the user preference (See Coden et al. column 7, lines 6-20, see Coden et al. column 16, lines 15-26, and see Coden et al. column 17, lines 59-67); and providing the integrated content to the client (See Coden et al. column 17, lines 59-67).

Coden et al. does not teach user tracking information representing past usage patterns of the user.

Grooters teaches user tracking information representing past usage patterns of the user (See Grooters column 7, lines 51-67).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified Coden et al. by the teaching of Grooters to include user tracking information representing past usage patterns of the user because it provides more accurate personalization and user based customization (See Grooters column 1, lines 35-45).

As to claims 4, 14, and 24, Coden et al. as modified discloses wherein media sources comprises one or more of television programs, Internet broadcasts, web pages, and electronic programming guides (EPGs) (See Coden et al. column 5, lines 5-19).

As to claims 5, 15, and 25, Coden et al. as modified discloses wherein the parsing of the metadata is preformed via an Extensible Markup Language (XML) via an Application Programming Interface (API) (See Coden et al. column 5, lines 1-5, wherein structured documents are formed (XML is used in structured document retrieval), also see column 8, lines 1-5).

As to claims 7, 17, and 27, Coden et al. as modified discloses wherein the metadata comprises metadata descriptions associated with the content (See Coden et al. column 4, lines 25-39).

As to claims 8, 18, and 28, Coden et al. as modified discloses generating the metadata descriptions via an analysis engine (See Coden et al. column 19, lines 160-35).

As to claims 9, 19, and 29, Coden et al. as modified discloses wherein the analysis engine comprises a multi-modal analysis engine including one or more of a video analyzer, an audio analyzer, and a digital analyzer (See Coden et al. column 19, lines 16-35).

As to claims 10, 20, and 30, Coden et al. as modified discloses wherein the processor is further to store the integrated content at a database (See Coden et al. column 16, lines 15-34, and Coden et al. column 18, lines 16-24).

Art Unit: 2165

As to claims 31, 32, and 33, Coden et al. as modified discloses further comprising rendering the integrated content via a display device coupled to the client, wherein the client is coupled to the server (See Coden et al. column 18, lines 33-52).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 4, 5, 7-11, 14, 15, 17-21, 24, 25, and 27-33 have been considered but are moot in view of the new ground(s) of rejection.

Claims 1, 11, and 21, line 12, recite “includes one or more” which suggest the minimum selection found in prior art can meet the claimed limitations in contrast in to applicant’s arguments since only one of “arranging...prioritizing.. or filtering” needs to be taught by the prior art.

Coden et al. teaches “filtering according to user preference” in column 7, lines 6-20, and column 2, lines 17-21, prior art.

However, to expedite prosecution, the Examiner has provided a secondary reference to teach “user usage patterns” as shown above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Gupta (U.S. Pub. No. 2004/0073947 A1) teaches metadata enhanced television programming.

Blasko (U.S. Pub. No. 2001/0049620 A1) teaches privacy-protected targeted system using profiles and user information.

Ward (U.S. Patent No. 6,526,411 B1) teaches user tracking information representing past usage patterns of the user.

Wei Chai and Barry Vercoe. Using User Models in Music Information Retrieval Systems. MIT Media Lab. Pub. 2000.

Bamshad Mobasher et al. Combining Web Usage and Content Mining for More Effective Personalization. Dept. of Computer Science. Pub. 2000.

Caj Sodergard et al. Integrated Multimedia Publishing-combining TV and Newspaper
Content on Personal Channels. Finland. Pub. 1999.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Neveen Abel-Jalil whose telephone number is 571-272-4074. The examiner can normally be reached on 8:30AM-5:30PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can be reached on 571-272-4146. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Neeven Abel-Jalil
April 24, 2007